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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,316	11/04/1999	GARY PARSONS	XM-0015	5074

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EXAMINER

BAYARD, EMMANUEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/435,316

Applicant(s)

PARSONS ET AL.

Examiner

Emmanuel Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This is in response to amendment filed on 10/25/02 in which claims 1-32 are pending. The applicant's amendment has been fully considered but they are moot based on the new ground of rejection. (See Examiner new rejection below).

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Katta et al U.S. Patent No 6,353,444 B1.

As per claims 1, 15 and 25, Katta et al discloses a receiver comprising: a first means for receiving (see figs. 3, 16, 25 and 35 elements 1140, 5110, 7110 and col.12, lines 19, 35 and col.26, lines 1, 28)) a transmitted signal and providing an instantaneous output signal in response thereto; a second means for storing (see figs. 3, 16, 25 and 35 elements 1120, 5160, 7170 and

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col.8, lines 46-47 and col.9, lines 33-36, 50-64) at least a portion of said received signal; third means (see figs. 3, 16, 25 and 35 elements 1160, 5130 and col.16, lines 22-23 and col.12, line 36 and col.13, line 21-22 and col.36, line 11) for providing replay signal; and fourth means (see figs. 13, 16, 25 and 35 elements 9300, 1300, 5300, and col.2, lines 20-26 and col.13, lines 27-43) for selectively outputting said stored portion of said received signal or said instantaneous output signal in response to said replay signal.

As per claim 2, the receiver of Katta does include a radio frequency tuner (col.13, line 12).

As per claim 3, the receiver of Katta does include an audio decoder (see col.13, line 13).

As per claim 4, the receiver of Katta does include an user interface (see col.8, line 58).

As per claim 5, the receiver of Katta does include a system controller (see figs. 1, 3 16 elements 9300, 1300).

As per claims 6 and 16, the receiver of Katta inherently include a microprocessor.

As per claims 7 and 17, the receiver of Katta does include a software (see col.19, line 65).

As per claims 8-14, 18-24 and 26-32, the receiver of Katta does include a software for detection of codes (see fig.3 element 1150 and col.13, line 20).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Parry et al U.S. Patent No 6,463,486 B1 teaches a system for handling streaming information.

Hudecek et al U.S. Patent No 6,289,207 B1 teaches a computerize radio receiver.

Blatter et al U.S. Patent No 6,236, 694 B1 teaches a Bus and interface system.

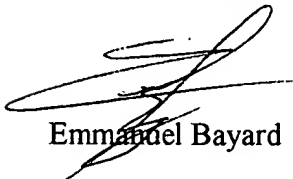
Kowaguchi et al U.S. Patent No 6,118,996 teaches a mobile communications system.

Hejna, Jr U.S. patent No 6,374,225 B1 teaches a method and apparatus to prepare listener-interest filtered work..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is (703) 308-9573. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Emmanuel Bayard

Patent Examiner

January 9, 2003